

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES HENDERSON,

Defendant.

8:05CR309

ORDER

Defendant James Henderson (Henderson) appeared before the court on April 18, 2012, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 90). Henderson was represented by Jessica P. Douglas and the United States was represented by Special Assistant U.S. Attorney David M. Wear. Through his counsel, Henderson waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Henderson should be held to answer for a final dispositional hearing before Judge Joseph F. Bataillon.

The government moved for detention. Through counsel, Henderson declined to present any evidence or request a hearing on the issue of detention. Since it is Henderson's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Henderson has failed to carry his burden and that Henderson should be detained pending a dispositional hearing before Judge Bataillon.

**IT IS ORDERED:**

1. A final dispositional hearing will be held before Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 8:30 a.m. on June 13, 2012.** Defendant must be present in person.

2. Defendant James Henderson is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 18th day of April, 2012.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge